

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 23 JUN 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/008004

International filing date (day/month/year)
10.03.2005

Priority date (day/month/year)
10.03.2004

International Patent Classification (IPC) or both national classification and IPC
B60R9/04

Applicant
DECOMA INTERNATIONAL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/008004

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/008004

Box No. V Reasoned statement under Rule 43*bis*.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	7-9,11,14,15,20,21,24
	No: Claims	1-6,10,12,13,16-19,22,23
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	-

2. Citations and explanations

see separate sheet

Re Item V.

1. Reference is made to the following documents:

- D1 : PATENT ABSTRACTS OF JAPAN vol. 1997, no. 08, 29 August 1997 (1997-08-29) -&; JP 09 109783 A (INOAC CORP), 28 April 1997 (1997-04-28)
D2 : PATENT ABSTRACTS OF JAPAN vol. 1997, no. 11, 28 November 1997 (1997-11-28) -&; JP 09 175280 A (INOAC CORP), 8 July 1997 (1997-07-08)
D3 : US 5 320 264 A (WEIR ET AL) 14 June 1994 (1994-06-14)
D4: PATENT ABSTRACTS OF JAPAN vol. 1998, no. 10, 31 August 1998 (1998-08-31) -& JP 10 129359 A (DAIKYO INC), 19 May 1998 (1998-05-19)

2. Document D1 discloses (see fig. 6) a roof rail (12) for a motor vehicle roof, said roof rail comprising: an elongated main body portion (12) including an open channel(13) extending between first and second opposing ends; and an end portion (11) integrally formed with said main body portion at each of said first and second ends thereof for attaching said roof rail to the motor vehicle roof.

2.1 INDEPENDENT CLAIM 1

As can be seen from the above, document D1 discloses in combination all the features defined in independent claim 1. Hence the subject-matter of this claim is not new (Article 33(2) PCT).

2.2 Dependent claims 2-6, 10, 12, 13, 16 and 17

Document D1 further discloses in combination all the features defined in dependent claims 2-6, 10, 12, 13, 16 and 17. Hence the subject-matter of these claim is not new (Article 33(2) PCT).

- 3 Document D3 discloses (see col 1, lines 41 to 66 and col 4, lines 9 to 34; figures 1, 2, 9 and 10): a roof rail... comprising:
- an elongated main body;
- and end portion... and
- a loop structure (80, 124)... as claimed in claim 18.

3.1 INDEPENDENT CLAIM 18

As can be seen from the above, document D3 discloses in combination all the features defined in independent claim 18. Hence the subject-matter of this claim is not new (Article 33(2) PCT).

- 4 Document D4 discloses all the technical features of independent claim 22, namely an elongated body... having a reinforcing structure (see abstract, "Solution", second line) and end portions.

4.1 INDEPENDENT CLAIM 22

As can be seen from the above, document D4 discloses in combination all the features defined in independent claim 22. Hence the subject-matter of this claim is not new (Article 33(2) PCT).

5 DEPENDENT CLAIMS 7 to 9, 14, 15 and 23

Dependent claims 7 to 9, 14, 15 and 23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

- 5.1 The technical features of dependent claims 7 to 9 are disclosed by D1 and D4 in combination. Specifically, the glass fibre reinforce material as claimed therein is disclosed in D4 as used in a roof rail construction.
- 5.2 The combination of the features of dependent claims 14 and 23 are disclosed by D1 and D2 in combination. Specifically, the plurality of mounting apertures (see D2 fig. 3 and 4) and the spaced apart outer walls and the connecting wall (see D1, fig. 6).
- 5.3 The combination of the features of dependent claim 15 are disclosed by D1 and D3 in combination. Specifically, the loop structure is disclosed by D3 see under point 3, above.
- 6 The device claimed in claim 1 as well as the one claimed in claim 18 and the device claimed in claim 22 can be used in the motor vehicle industry.

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/008004